



Linda S. Adams  
Secretary for  
Environmental  
Protection

## California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair

1685 E. Street, Fresno, CA 93706  
<http://www.waterboards.ca.gov/centralvalley>



Arnold  
Schwarzenegger  
Governor

19 May 2009

Peter Chiu, P.E.  
1811 Fair Oaks Avenue  
South Pasadena, CA 91030  
Phone: (626) 441-3107; fax: (626) 441-0649

**CERTIFIED MAIL**  
**7006 0810 0005 3358 9920**

### **ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2009-0539, PETER CHIU, P.E., FRESNO AND KERN COUNTIES**

Enclosed is an Administrative Civil Liability (ACL) Complaint, issued pursuant to California Water Code (CWC) section 13323, for alleged violations of CWC section 13385, which occurred when you falsified signatures, acting on behalf of the Building Materials Industry Storm Water Group, on two Annual Reports for facilities covered under the *National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001 for Storm Water Discharges Associated With Industrial Activity, Water Quality Order No. 97-03-DWQ* (General Permit). The Complaint charges you with civil liability in the amount of **two thousand dollars (\$2,000)**.

Pursuant to CWC section 13323, you may:

- Pay the assessed civil liability and waive its right to a hearing before the Central Valley Water Board by signing the enclosed waiver (checking off the box next to item #4) and submitting it to this office by **18 June 2009**, along with payment for the full amount;
- Agree to enter into settlement discussions with the Central Valley Water Board and request that any hearing on the matter be delayed by signing the enclosed waiver (checking off the box next to item #5) and submitting both the waiver and a letter describing the issues to be discussed to this office by **18 June 2009; or**
- Contest the Complaint and/or enter into settlement discussions with the Central Valley Water Board without signing the enclosed waiver.

If you choose to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations in the Complaint. This settlement will be considered final pending a 30-day period, starting from the date of this Complaint, during which time interested parties may comment on this action by submitting information to this office, attention Bridget Supple. Should the Central Valley Water Board receive new information or comments during this comment period, the Central Valley Water Board's Executive Officer may withdraw the complaint, return payment, and issue a new complaint. If the Central Valley Water Board does not hold a hearing on the matter, and if the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement.

If the Central Valley Water Board does not receive a signed waiver within 30 days of the date of this Complaint (**by 18 June 2009**), then a hearing will be scheduled for the **13/14 August 2009** Central Valley Water Board meeting in Rancho Cordova. The Central Valley Water Board's Prosecution Team has proposed the enclosed draft Hearing Procedures to govern the conduct of such a hearing. Any objections to these draft Hearing Procedures must be received by Lori Okun, whose contact information is listed in the enclosed draft Hearing Procedures, by **5 p.m. on 29 May 2009**.

Any comments or evidence concerning the enclosed Complaint must be submitted in accordance with the deadlines contained in the enclosed draft Hearing Procedures, unless these deadlines are changed by the Central Valley Water Board's Adjudicatory Team, either on their own accord or upon request.

In order to conserve resources, this letter transmits paper copies of the documents to the Discharger only. Interested persons may download the documents from the Central Valley Water Board's Internet website at:

[http://www.waterboards.ca.gov/centralvalley/tentative\\_orders/](http://www.waterboards.ca.gov/centralvalley/tentative_orders/)

Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 AM and 5:00 PM.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Bridget Supple at (559) 445-5919.

LONNIE M. WASS  
Supervising Engineer

Enc: Administrative Civil Liability Complaint No. R5-2009-0539  
Draft Hearing Procedure

cc: Ms. Pamela Creedon, Central Valley Water Board, Rancho Cordova  
Mr. Ken Landau, Central Valley Water Board, Rancho Cordova  
Mr. Kenneth Greenberg, USEPA, Region 9, San Francisco  
Mr. Reed Sato, Office of Enforcement, SWRCB, Sacramento  
Mr. Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento  
Ms. Lori Okun, Office of Chief Counsel, SWRCB, Sacramento  
Ms. Emel Wadhwani, Office of Chief Counsel, SWRCB, Sacramento  
Mr. Greg Gearheart, Division of Water Quality, SWRCB, Sacramento  
Mr. Tom Ferrell, Vulcan Materials Company, Los Angeles